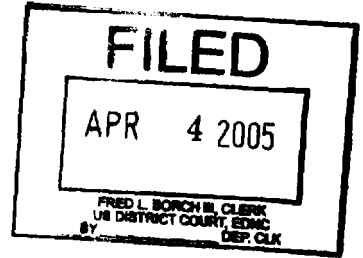


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION


NO. 7:04-CR-85-1F



UNITED STATES OF AMERICA)
)
) NOTICE OF APPEAL
)
GARY EDWARD NIXON)

Pursuant to Rule 4(b) of the Federal Rules of Appellate Procedure, NOTICE IS HEREBY GIVEN that the Defendant, Gary Edward Nixon, hereby appeals to the United States Court of Appeals for the Fourth Circuit from the judgment entered in this Court in the above-captioned case. As judgment was entered by the Honorable James C. Fox on March 28, 2005, this notice is therefore filed within the time specification established in Rule 4(b).

Respectfully submitted this the 4th day of April, 2005.



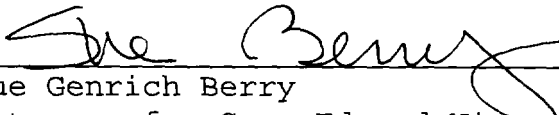
Sue Genrich Berry
Attorney for Gary Edward Nixon
Bowen, Berry and Powers, PLLC
PO Box 2693, Wilmington, NC 28402
910.763.3770
N.C. State Bar Number 16308

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served to Assistant United States Attorney Michael James by depositing a copy of same in the United States Mail, postage prepaid, addressed as follows:

Michael James
Assistant United States Attorney
310 New Bern Avenue, Suite 800
Raleigh, NC 27601-1461

This the 4th day of April, 2005.



Sue Genrich Berry
Attorney for Gary Edward Nixon
Bowen, Berry and Powers, PLLC
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